

FREQUENTLY ASKED  
QUESTIONS  
about  
LAYOFF  
(Revised 3-17-03)

A. RIGHTS OF SURPLUS AND SROA EMPLOYEES

1. Does a department interviewing a surplus employee have to hire an SROA employee before considering an employee with surplus status?

- No, surplus and SROA employees have the exact same rights to be hired; therefore, the hiring supervisor can hire either.

Employees on SROA lists receive contact letters and surplus employees do not, and this is the only distinction.

2. How does a hiring department verify that an employee actually has surplus/SROA status?

- Layoff departments should issue letters to all SROA and surplus employees introducing them to prospective hiring departments. Such a letter should include the employee's name, verification of surplus/SROA status, current status class, and layoff date. If an employee has no letter, verification should be made by contacting the layoff department.

3. What does the term, "Super SROA", refer to?

- Two bargaining units (Units 2 and 9) have special SROA provisions that were negotiated into their Memoranda of Understanding several years ago. Hiring departments filling vacancies in classes included in these two units **must** contact SROA or layoff coordinators in departments laying off employees in these units and provide them with the class titles, salaries, number, and location of vacancies. The hiring departments **must** fill their vacancies with any qualified employee/s referred by the layoff department/s. To be qualified, an employee must meet the minimum qualifications, have eligibility for the salary level of the vacancy, and be in the same geographic area and bargaining unit. The "same geographic area" has been defined as any county that touches the county in which the vacancy exists. The MOUs provide **no** exemptions.

4. Is a surplus/SROA employee eligible for reimbursement if the employee must travel to an interview?

- No, there is no statute or regulation that provides for such reimbursement.

5. Is a surplus/SROA employee eligible for relocation reimbursement if required to relocate to accept a new job?
  - Only if the employee is in receipt of his or her layoff notice at the time of hire. (GC 19841) The hiring department would be the one to pay.

## B. PLACEMENT ON SROA LISTS AND GRANTING SURPLUS STATUS

1. How is an employee placed on an SROA list?
  - The employee completes a "scantron" form provided by his or her personnel office which is then sent to the State Personnel Board (SPB), Mail Station 37. If an employee has a question for SPB, such as whether the form had been received, can be addressed to Gina McCann or Scott Crouch.
2. How many SROA lists may an employee's name be placed on?
  - An employee's name may be placed on only one list, which is normally the employee's current status class. The exception to this would occur if the current status class is a department-specific class used only by the layoff department. Placement on a list for such a class would not provide any employment opportunities; therefore, the layoff department could select one "appropriate SROA class" and place the employee's name on an SROA list for that class. DPA's department analysts are available to assist departments in selecting such classes.
3. Is every surplus employee placed on an SROA list?
  - No, in some cases where an employee is in a department-specific class there may be no "appropriate SROA class"; therefore, the employee would not be on an SROA list. However, the employee would have surplus status and could seek out available jobs that he or she feels qualified for.
4. If an employee is on a limited-term appointment, can he or she be placed on the SROA list for that class?
  - No, the employee would be placed on the SROA list for his or her current status class or an "appropriate SROA class".
5. How is an "appropriate SROA class" determined?
  - It must be class that has a salary exactly the same as or lower than the layoff class; must have essentially the same class concept; and must be a class in which actual employment opportunities exist.

6. Can another department's department-specific class be used as an "appropriate SROA class"?
  - Yes, but the other department must agree to its use. DPA department analysts are available to assist in resolving differences.
7. Can an employee appeal the determination of an "appropriate SROA class" and suggest a different class?
  - The employee should discuss it with his or her personnel office. The DPA department analysts are available to resolve disputes.
8. Is it mandatory that an employee be on SROA for a full 120 days and when does the 120-day period begin?
  - Yes, it is mandatory to give an employee a full 120 days; however, this period includes time on surplus status. The 120-day period begins when the employee's class is approved as surplus by DPA.
9. If an employee initially elects **not** to complete a "scantron" form to be placed on an SROA list, can the employee elect to do so upon receipt of the 30-day layoff notice and delay the layoff by demanding 120 days beginning then?
  - No, the employee's 120-day period would begin when his or her class is placed on surplus status by DPA whether or not the employee elects to be placed on an SROA list.
10. Are names placed on SROA lists in seniority order?
  - No, they are random, and anyone on the list may be hired regardless of relative seniority.

#### C. SROA PROGRAM RESPONSIBILITIES

1. What are the roles of DPA and SPB in the SROA Program?
  - DPA administers the SROA Program, which includes the following responsibilities: developing and maintaining rules, policies and procedures; approving the placement of classes and employees on surplus/SROA status; controlling the number of employees placed on SROA lists and on surplus status; making decisions on surplus/SROA exemption requests; ensuring compliance with SROA Program rules, policies, and procedures; and implementing corrective actions as appropriate.
  - SPB processes the SROA "scantron" forms and places employees on SROA lists; maintaining and issuing SROA



employment lists; removing names from SROA lists; and answering inquiries regarding certification of SROA employees.

2. What should a non-layoff hiring department do when filling vacancies?

- The role of a hiring department includes the following: instructing their hiring supervisors that SROA and surplus employees have precedence over other types of hires except reemployment and mandatory reinstatements; instructing hiring supervisors that surplus and SROA employees have equal rights; circulating job opportunity bulletins to departments facing layoffs; posting vacancies on SPB's vacancy database system (VPOS); advertising at least 5 working days for servicewide classes and at least 10 working days for department-specific classes; contacting surplus/SROA employees for vacancies if there are no reemployment lists or mandatory reinstatements; verifying status of employees claiming to be surplus.

3. How can a layoff department help its surplus employees find new jobs?

- Brief all surplus employees, preferably in writing, of their surplus/SROA rights; provide copies of, and instructions on the completion of, the electronic "scantron" forms; ensure that the "scantron" forms are completed accurately and are delivered to the SPB; make resource material, such as the SROA Manual, available; issue individual letters of introduction to SROA and surplus employees so hiring departments will know their rights; conduct initial investigation of alleged violation of SROA law, rules, and procedures, and refer substantive ones to DPA; maintain a "library" of job announcements; provide access to SPB's vacancy database system (VPOS).

#### D. REMOVAL FROM SROA LISTS AND SURPLUS STATUS

1. Can a surplus/SROA employee turn down job offers and retain surplus status?

- The object of the SROA Program is to find jobs for employees who are in jeopardy of being laid off; therefore, if an employee turns down a job offer, DPA will investigate to determine if there was a valid reason for the employee to turn down the offer. If not, the employee may be removed from the SROA list and/or surplus status. A valid reason for turning down a job offer could include some hardship resulting from its acceptance.
- Additionally, an employee may be removed from an SROA list and/or surplus status for the following reasons: not responding to an inquiry from a potential hiring department; not appearing for a scheduled interview or work.
- Of course, the primary reason for removal from SROA lists and surplus status is the hiring of the employees.

2. If a surplus/SROA employee removed from the SROA list and/or surplus status after 120 days, even if his or her department's layoff has not yet occurred and the employee has not yet found a job?
  - Yes; however, DPA has the authority to extend the employee's surplus/SROA status for a maximum of 120 days.

#### E. SROA EXEMPTIONS

1. If a surplus/SROA employee applies for a position in a class other than his or her current status class (layoff class), do we have to consider him or her for employment?
  - Yes. If you feel the employee does not possess the qualifications necessary for the class in question, you must seek an exemption from DPA's SROA Unit. This determination had been delegated to departments in the SROA Manual, but the delegation has been rescinded.
2. Are any SROA exemption decisions delegated to departments?
  - Yes, those exemptions in Section VI of the SROA Manual are currently delegated to departments. These are the only delegations made to departments. All other exemption requests must come to DPA's SROA Unit.

#### F. AREAS OF LAYOFF

1. How many types of areas of layoff are there?
  - The two most common types are statewide and geographic.
  - The third type, organizational or functional, is rarely employed. It's use is appropriate in cases where the employees of a specific area of a department were hired into duration classes, where it was understood their employment would be terminated when the project was completed.
2. When is a statewide area of layoff appropriate?
  - To determine when a statewide area of layoff is appropriate, you would determine if recruitment, testing, and hiring are all done on a statewide basis. You would also examine whether employees typically accept list appointments that require them to change their residences to accept promotions, and/or if employees typically rotate from a position in one geographic area to one in another area.
  - It is important to remember that the structure of the examination plan alone does not make a statewide area of layoff appropriate.

For example, if a department tests on a statewide basis for purposes of economy, but an employee indicates which specific area he or she will accept employment in, the class' area of layoff is geographic.

- Higher-level managerial classes would be examples of classes for which statewide areas of layoff would normally be appropriate.

3. When is a geographic area of layoff appropriate?

- This would be appropriate when recruitment, testing, and hiring are done locally and employees in the class normally spend their entire service in the class in the original location of hire.
- Working-level classes and first-level supervisors are examples of classes for which geographic areas of layoff would normally be appropriate.

4. It sounds like area of layoff is determined by class. Does this mean my department may have more than one area of layoff?

- Yes.

5. Is there more than one type of geographic area of layoff?

- Yes, the most common would be by county, but an analysis of the data reviewed to distinguish between geographic and statewide areas of layoff is necessary to determine the most appropriate geographic area of layoff. Other options, in addition to county, could be by facility or by region.

## G. DEMOTIONAL PATHS

1. I'm a Staff Services Manager I. What would my demotional rights be?

- Your primary path would be to the Associate-level staff services analyst classes (Personnel, Budget, Governmental Program) and then to Staff Services Analyst.
- Normally, secondary demotional paths are not applicable to the Staff Services classes, but if one is identified in your department, you'd have the right to elect that path.
- Also, if you had a prior permanent or probationary appointment to a class within transfer range of, or at a lower salary than, your layoff class, and this class is used by your department in your area of layoff, you'd have the right to elect demotion to that class.

2. I'm an Associate Budget Analyst. If I am senior to an Associate Governmental Program Analyst, can I "bump" that person?



- No, these classes have the same maximum salary rates. The law governing demotional rights requires that you demote to a class with a lower maximum salary rate.
  - **However**, if you once had a permanent or probationary appointment to the AGPA class, and that class is used by your department in your area of layoff, you would have personal demotional rights to AGPA and could “bump” an AGPA if you have the required seniority. Other Associate Budget Analysts without personal demotional rights could not do so.
3. I'm an Associate Personnel Analyst, but I had a permanent appointment five years ago as an Associate Space Planner, which is at a higher pay level than the Associate Personnel Analyst. Can I bump a less senior Associate Space Planner?
- The law defining personal demotional rights states that a demotion may be to any class in which an employee held a permanent or probationary appointment and whose salary is within transfer range of, or lower than, that of the layoff class.
  - If these preceding criteria are met, and your department uses the class in your area of layoff, you have the mandatory right to select demotion to this class.

#### H. RETURN OF EMPLOYEE TO LAYOFF DEPARTMENT

1. One of our surplus employees received an appointment to another department, but is now being rejected on probation. What do we do with him?
- If there are no vacancies and the effective date of the layoff has not yet been reached, the employee could be placed back on surplus status to find another job. If the other employees have been given their 30-day layoff notices, he should be given a 30-day notice.
  - If the effective date of the layoff is past and there are no vacancies, he should be given a 30-day notice of layoff and be laid off after the 30-day period.
2. Our department is being abolished and the function is not being transferred to any other department. One of our employees is in another department on a limited-term (LT) appointment. The rules pertaining to LT appointments provide only for cancellation by the employee or the “host” department. When his LT is expired, he will have nowhere to return to. What do we do with him?
- Issue him a layoff notice with all your other employees telling him he will have no return rights because the department and its functions will no longer exist, and if he does not find a permanent appointment before the LT expires, he will be laid off effective the date of the termination of the LT appointment.

## I. VACATION, ANNUAL LEAVE, AND SICK LEAVE

1. If a surplus employee who is in the Annual Leave (A/L) Program chooses to retire in lieu of layoff, can he or she run out the A/L out before the effective date of retirement if it would extend beyond the effective date of the layoff.
  - No, the A/L may be run out only up to the date of layoff. The remainder would be paid in a lump sum. The employee may, however, put the lump sum into the Savings Plus Program to avoid the aggregate taxes.
2. Would vacation be handled in the same manner as annual leave?
  - Yes.
3. What happens to an employee's sick leave when the employee is laid off?
  - If the employee is reemployed within six months, he or she is credited with the prior earned sick leave, and their prior service shall be counted for purposes of calculating State service, sick leave and vacation.